

January 21, 2020

Dear Committee Members:

I am writing to you in my official role as Mentor, a position I hold under the auspices of the Colorado Student Media Association (CSMA) and the Journalism Education Association (JEA) to ask your support for HB20-1062.

While the Colorado Student Freedom of Expression law, CRS 22-1-120, has served Colorado student journalists well for 30 years, passage of HB20-1062 will provide necessary updates: language to reflect the evolution of new publication platforms and professional protection to advisers who face retribution for supporting their students' First Amendment rights.

The public school publication programs of 2020 are vastly different from those of 1990, necessitating the changes that HB20-1062 addresses. When CRS 22-1-120 became law, a "school publication" most often referred to a print newspaper. However, today's 21st century student journalists publish across multiple platforms, many online, extending the reach of their voices to the online world. This fact increases concerns for some principals who want only the most positive image of their schools reflected. An effect of this increased visibility is the increased tension advisers face in balancing their duties as district employees with their responsibility to support their students' free speech. While many principals have shown support for CRS 22-1-120, some are more concerned about public reaction to the work students produce, and as a result, they pressure advisers to favor school image over students' free speech rights. Nationwide 14 states have adopted student freedom of expression laws, and a number of these have included adviser protection clauses. Adding Section 9 to Colorado's Student Freedom of Expression law through HB20-1062 will provide Colorado advisers with the same protections advisers in other states now enjoy.

Since the initial wording "school publication" in CRS 22-1-120 has expanded to embrace the variety of platforms utilized in the journalism profession in the 21st century, it is time to expand the language of the Student Freedom of Expression law to include the wording "student publication, 'whether printed, broadcast, or online'" to reflect the reality of scholastic journalism programs today. As technology has made publishing online financially feasible, student journalists are increasingly embracing 21st century platforms with online news, podcasting, broadcast video, and social media, including Facebook, Instagram, Twitter, Snapchat, among other apps as they are developed.

While still learning the basic principles of journalism and modes of journalistic writing, students are also learning both how to select the best platform to address their audiences whether in a print publication or online and how to link these platforms to form a unified journalism presence. Incorporating the additional language of the bill into the current law will recognize the changes that have occurred in school publication programs since 1990 and ensure that the protections of CRS 22-1-120 extend, today and in the future, to all the work that students publish regardless of platform.

Passage of this bill will also provide safeguards for advisers. While the current law provides advisers legal protection from students' work under Section 7 of CRS 22-1-120, it does not protect them from negative professional ramifications. This explosion in numbers and types of platforms has also increased advisers' responsibility in "encouraging expression consistent with high standards of English and journalism," and in familiarizing students with the technical rules and ethics of the platforms used. As students exercise their First Amendment rights online, their work reaches a broader audience, thus prompting principals to worry that student journalists might not always present the most positive view of the school to the outside world. Pressure from principals or other audiences has continued as students cover more journalistically challenging topics and publish online, making both administrators and some in the community uncomfortable, and advisers find themselves the targets of administrative backlash.

This can result in negative repercussions for advisers. Each of my 13 mentees has confidentially confided to me that they have experienced negative repercussions, either direct or perceived, that would impact their evaluations, their continued assignment as journalism adviser, or their jobs. Each of my mentees was "encouraging expression consistent with high standards of English and journalism" as they supported their students' free speech rights. Sometimes a principal's pressure on an adviser stems from being inundated with unfavorable public opinion. Advisers should not be at the mercy of the court of public opinion. The original authors of this law recognized that "no expression made by students in the exercise of freedom of speech or freedom of the press shall be an expression of school policy, and no school district employee... shall be held liable in any civil or criminal action for any expression made or published by students." Nevertheless, even though advisers are school district employees and therefore not legally liable, they do face consequences for their students' work through professional repercussions that can include engaging in self-censorship, receiving poor evaluations, being transferred, losing a job, or leaving teaching altogether. Passage of Section 9 as outlined in HB20-1062 will eliminate the unintended consequences of its omission in CRS 22-1-120.

Passage of this bill will acknowledge the new platforms that students are using to be effective citizens and communicators in the 21st century. Passage of HB20-1062 will protect Colorado's advisers from retribution for their students' work and provide the protection advisers in other states already enjoy. Passage is critical to complete what the original law so successfully began. I strongly encourage you to vote in favor of HB20-1062.

Sincerely,



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Member - JEA Mentoring Committee